COMMONWEALTH OF PENNSYLVANIA COUNTY OF: ALLEGHENY

MDJ: Hon, BETH S. MILLS Magisterial District Number: 05-2-26 Address: 2611 HAYDEN BLVD.

SUITE 3

ELIZABETH, PA 15037

POLICE CRIMINAL COMPLAINT COMMONWEALTH OF PENNSYLVANIA VS.

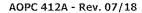
TIMOTHY

(NAME and ADDRESS): BUTLER

First Name Middle Name Last Name

Gen.

Phone: 412.382.3050	1,17. 10007		7009	PENNOTLVANIA	AVEFIN	LEYVILLE,	, PA 15332	2			
			NGC Ext	radition Code Type							
Felony - Full Extradition											
Distance:			DEEENDANTIDEN	ITIFICATION INFOR	B S A TI CON I			Table Const.			
Docket Number Date	Filed/////C	TNII is no								* C-1.00	
Docket Number Date		G 8	Complaint/Incident I L-712-2018	number			Reque	est Lab Serv	rices?		
De A 45	DOB 07/0	2/1976	POB		dd'I DOB			Co-De	efendant(s)	1	
RACE WHITE		First Name Middle Name Last Name Gen.							Gen.		
ETHNICITY	AKA										
HAIR COLOR BRO (BR	OWN)			EYE COLOR E	BLU (BLL	JE)					
		Main Ziz							WEIGHT (II	os.)	
DNA		DNA L	ocation		<u> </u>	4			•	•	
FBI Number			IV.	INU Number					Ft. HEIG	SHT In.	
Defendant Fingerprinted									5	07	
Fingerprint Classification	n										
Dista #				VEHICLE INFORMAT	TON		(0.1	1004			
Plate # Si	tate Hazmat		istration er (MIWYY)	Comm'l Veh. Ind.		School Veh.	Oth. NCIC Veh. Code Reg. Same as Def.				
VIN		Year	Make	Model		Style	Cold	or			
(The attorney for the Com to filing. See Pa.R.Crim.F	² . 507).	require th		st warrant affidavit, or	****		he attorney		Commonwe	alth prior	
1 1245 004050				7 FET 1900 PK 11 FA 12 FC F 1 20	reformation to the contract of the particle of the contract of						
(Name of the Afficial)				Yes Samuel and Control	37392 (PSP/MPOETC -Assigned Affiant ID Number & Badge #						
(Name of the Affiant)	NIENA DETA		•	enikominarinasi.	I C -Assig	ned Amani, ii	Jivumbera	Bauge	3 # Sjáliúsgokárskélyági	Dalya taser	
of DISTRICT ATTOR					PA002013A						
(Identify Department o				(Police Agen	cy ORI Ni	ımber)					
do hereby state: (•		l l						
I accuse the all accuse the decrease th			e is unknown to m								
			e and popular des e or Jane Doe	ignation or nickn	ame are	unknown	to me an	d who	om I have,		
with violating t	he penal law	s of the	Commonwealth o	f Pennsylvania at		428		ELIZ	АВЕТН ВО	ORO	
•					(Subdi	vision Code)	(Plac		cal Subdivision	·····	
In Allegheny Cou	nty	02 (County C	ode)	on or abou	t 01/0	1/2017	8:00				









Docket Number:	Date Filed:	OTN/LiveScan Number		Complaint/Incident Number
		G 826264-5		L-712-2018
Defendant Name	First: TIMOTHY		Middle: L	Last: BUTLER

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically. (Set forth a *brief* summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. In addition, social security numbers and financial information (e.g. PINS) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA.Code §§213.1 – 213.7.)

Inchoate Attempt Offense 18 901 A			. —	Solicitation 18 902 A			Conspiracy 18 903		
Х	1	3921	A	of the	18	2	. F3		
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
	PennDOT Data Accident (if applicable) Number					Safet	y Zone	☐ Work	Zone
AN over i	movable prop	EN WAS MO erty, namely	RE THAN \$2 Controlled \$	2,000 Th Substanc	es, with a total v	alue grea	iter than or	unlawful control equal to \$2000 an	
Pa. C AN	.S. §3921(a). MOUNT TAKI	LESS THAN EN WAS MO	\$100,000 RE THAN \$2	2,000 Th	e actor unlawfull	y took, oı	exercised	unlawful control	

Page 2 of 5



Docket Number:	Date Filed:	OTN/LiveScan Number G 826264-5		Complaint/Incident Number L-712-2018
Defendant Name	First: TIMOTHY		Middle: L	Last: BUTLER

254 to 456 900 46	Offense 18 901 A				Solicitation ☐ Conspiracy 18 902 A 18 903				
	2	3927	Α	of the	18	2	F3		
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
William Company	nDOT Data (pplicable)	Accident Number				☐ Safet	y Zone	☐ Work	Zone
COUNThe agree from so intention disposed dispose	NTS e actor obtai ment, or sub such property ionally dealt sition, in viola e actor obtai igh upon an a sition, whethe alent amount	ned property, ject to a know y or its proceed with the property, agreement, o er from such tand intentior	namely Co vn legal obli eds or from erty obtaine a.C.S.§3927 namely Eli r subject to property or nally dealt w	ntrolled S gation, to the actor d as the s (a). zabeth Bo a known its proceed with the proceed	o make specified is own property to actor's own and orough parking relegal obligation, eds or from the a	nging to C payments o be rese failed to n neter mor to make s actor's own as the ac	Commonwers or other rived in equipake the remarke the remarke belong specified property	ealth of PA upon ar disposition, whethe uivalent amount an equired payment or	r d

artist falloutries 715	Inchoate Attempt Offense 18 901 A		1	Solicitation 18 902 A			Conspiracy 18 903			
	3	5101		of the	18		2	M2		
Lead?	Offense#	Section	Subsection		PA Statute (Ti	itle)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
	nDOT Data applicable)	Accident Number	30 to 1				Safel	y Zone	Work	Zone

Statute Description/Acts of the accused associated with this Offense:

18 5101 OBSTRUCTING ADMINISTRATION OF LAW OR OTHER GOVERMENT FUNCTION M2 2 COUNTS

The actor intentionally obstructed, impaired or perverted the administration of law or other governmental function by force, violence, physical interference, obstacle, breach of official duty, or any other unlawful act, that is to say the actor, as Elizabeth Borough Chief of Police, unlawfuly took or excercised unlawful control over controlled substances previously seized by law enforcement, in violation 18 Pa. C.S. §5101.

The actor intentionally obstructed, impaired or perverted the administration of law or other governmental function by force, violence, physical interference, obstacle, breach of official duty, or any other unlawful act, that is to say the actor, as Elizabeth Borough Chief of Police, unlawfuly took or excercised unlawful control over Elizabeth Borough parking meter money, in violation 18 Pa. C.S. §5101.

AOPC 412A - Rev. 09/08



Docket Number:	Date Filed:	OTN/LiveScan Number G 826264-5		Complaint/Incident Number L-712-2018
Defendant Name	First: TIMOTHY	0 020204 0	Middle:	Last: BUTLER

	Inchoate Attempt Offense 18 901 A			,	Solicitation 18 902 A			Conspiracy 18 903			
	4	780-113	A16	of the	35	2	M	2.000			
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code		
9 8 6 1 9 6 1 7 1 7	PennDOT Data Accident (if applicable) Number				Safety	/ Zone	☐ Work	Zone			
said a Act, A of 35	ctor not the ct of April 1 P.S. §780-1	n and there be 4, 1972, or a p 113(a)(16).	eing register oractitioner i	ed under egistere	the Controlled S	Substance	, Drug, D	namely, heroin the evice and Cosmetic e Board, in violatio	>		
		wingly or inten									

Page 4 of 5



Docket Number:	Date Filed:	OTN/LiveScan Number G 826264-5	Complaint/Incident Number L-712-2018
Defendant Name	First:	Middl	Last:
	TIMOTHY	L	BUTLER

- 2. I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.
- 3. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 PA.C.S.§4904) relating to unsworn falsification to authorities.
- 4. This complaint is comprised of the preceding page(s) numbered ℓ through \leq
- 5. I certify that this filing complies with the provisions of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania that require filing confidential information and documents differently than non-confidential information and documents.

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of the Assembly, or in violation of the statutes cited. (Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)

,(Date)	(Sigherture of Affiance)
AND NOW, on this date 12-26-18	I certify that the complaint has been properly completed and verified.
An affidavit of probable cause must be completed before a warra	ant can be issued.
(Magisterial District Court Number) (Issuin	BETH SCAGLINE MILLS TOUGE 26 BETH SCAGLINE TRICT OS-2-26 THE MAGISTERIAL DISTRIPLES ON THE MAGISTERIAL DISTRIPLES ON EXPIRES ON EXPIRES ON MAGISTERIAL DISTRIPLES ON EXPIRES ON MAGISTERIAL DISTRIPLES ON EXPIRES ON EXPIRES ON EXPIRES ON EXPIRES ON EXPIRES ON THE MAGISTER MONDAY IN JANUARY, 2020 MY COMMISSION OF THE FIRST MONDAY IN JANUARY MY COMMISSION OF THE FIRST MONDAY IN JANUARY MY COMMISSION OF THE FIRST MONDAY MY COMMISSION OF THE FIRST MY MY COMMISSION OF THE FIRST MY MY COMMISSION OF THE FIRST MY



Docket Number:	Date Filed:	OTN/LiveScan Number		Complaint/Incident Number
		G 826264-5		L-712-2018
Defendant Name	First: TIMOTHY		Middle: L	Last: BUTLER

AFFIDAVIT of PROBABLE CAUSE

1. WHEN:

a) Date when Affiant received information:

12/07/2018

b) Date when the source of information (Police Officers, Informant, Victim, Co-Defendant, Defendant, etc.) received information: 12/06/2018

2. HOW:

- a) How Affiant knows this particular person committed crime: (personal observation, defendant's admissions, etc.): defendant's admissions to witnesses, physical evidence, information from police officers
- b) How the source of information knows this particular person committed the crime:

defendant's admissions, information from police officers, physical evidence

c) How both Affiant and/or source of information knows that a particular crime has been committed: defendant's admissions, information from police officers, physical evidence

3. WHAT CRIMES:

- 18 5101 OBSTRUCTING ADMINISTRATION OF LAW OR OTHER GOVERMENT FUNCTION
- 18 3921 A THEFT BY UNLAWFUL TAKING
- 18 3927 A THEFT BY FAILURE TO MAKE REQUIRED DISPOSITION OF FUNDS RECEIVED
- 18 5101 OBSTRUCTING ADMINISTRATION OF LAW OR OTHER GOVERMENT FUNCTION
- 18 3921 A THEFT BY UNLAWFUL TAKING
- 35 780-113 A16 PROHIBITED ACTS POSSESSION
- 35 780-113 A16 PROHIBITED ACTS POSSESSION
- 18 3927 A THEFT BY FAILURE TO MAKE REQUIRED DISPOSITION OF FUNDS RECEIVED

4. WHERE CRIME(S) COMMITTED:

ELIZABETH BOROUGH POLICE DEPARTMENT

5. WHY AFFIANT BELIEVES THE SOURCE OF INFORMATION:

- X Source is presumed reliable, i.e. other Police Officer, Eyewitness, Victim of Crime, etc.
- X Source has given information in the past which has led to arrest and/or conviction

Defendant's reputation for criminal activity

This source made declaration against his/her penal interest to the above offense

X Affiant and/or other Police Officers corroborated details of the information



Docket Number:	Date Filed:	OTN/LiveScan Number G 826264-5		Complaint/Incident Number
Defendant Name	First: TIMOTHY		Middle: L	Last: BUTLER

The affiant of this affidavit is Detective Lyle M. Graber, a police officer of the Commonwealth of Pennsylvania within the meaning of Pennsylvania statutory law and Rules of Criminal Procedure, and, as such, I am empowered to file criminal charges and to make arrests for criminal offenses enumerated therein. I was a Pennsylvania State Police Officer from March 15, 1982 until my retirement on August 24, 2007. During my tenure with the Pennsylvania State Police, I was assigned as a criminal investigator in May of 1995, the function of which was to investigate all facets of criminal activity. On July 20, 1987, I was assigned to the Pennsylvania State Police Bureau of Criminal Investigations, Western Organized Crime Unit, Allegheny County, Pennsylvania. I worked in that capacity until my retirement in August of 2007, after which I was sworn as a Detective in the Office of the District Attorney of Allegheny County within the Investigations unit, a position that has continued to date.

On December 10, 2018, Elizabeth Borough Police Sergeant Garrett Kimmell was interviewed and stated the following: On December 6, 2018 and again on December 7, 2018, Sgt. Kimmell was advised by other police officers of suspicious behavior on the part of Elizabeth Borough Police Chief Timothy Butler. This behavior included officers having observed Chief Butler interacting with a known actor, who, when found in possession of suspected heroin, told officers he was making controlled narcotics buys on behalf of Chief Butler. Kimmell advised that it would have been highly unlikely Butler was involved in a drug investigation without his knowledge and participation.

On December 7, 2018, Kimmell was at the Elizabeth Borough Police Department and questioned Chief Butler about his recent suspicious behavior. After initially denying any problems, Butler stated that he was addicted to heroin. Butler explained he became addicted after taking prescribed Vicodin for neck and back pain, and blamed the doctors. Kimmell asked Butler if there were any issues related the Department or missing evidence. Butler apologized and stated that "it was a mess". When asked how bad the evidence problem was, Butler stated that "it was all gone", that any heroin in evidence was all gone. Kimmell then notified Borough Solicitor Krisha DiMascio, Mayor Barry Boucher and Council President Paul Shanner of Butler's admissions, and remained with Butler at the police station until they arrived. Butler was then placed on paid leave, turned over all Borough property, the evidence room key, his badge, MPOETC card, and driven home. Kimmell then requested the assistance of Clairton Police Chief Hoffman, who, along with PO McDanel, arrived and conducted the search of Chief Butler's office and the evidence room. Kimmell stated that when drugs were seized, they would be packaged and sent to the lab for testing prior to being entered into the evidence room. Once returned, they would be given to Chief Butler, who was the sole evidence custodian. Chief Butler was also responsible for any evidence destruction. Sgt. Kimmell stated that there had been several recent large heroin seizures in which the heroin should still be present in the evidence room. Kimmell advised that he most often took the responsibility of transporting drugs to/from the lab, and always turned over the evidence to Chief Butler upon return.

On December 7, 2018, Sgt. Kimmell and Clairton Officer McDanel conducted an inventory search of Chief Butler's office. Evidence envelopes or bags originally labeled as having contained controlled substances were located throughout Butler's office and observed to have been torn open or opened and re-sealed. The controlled substance primarily involved was heroin, packaged in individual white wax paper bags. Oftentimes these bags are stamped with an inked stamp "label" to identify that particular batch or source of heroin. These bags were either individual bags, aka "bag"; 10 rubber-banded bags known as a "bundle"; 50 bags (5 bundles) known as a "brick". (Estimated street values are: \$6-\$8 per bag; \$55-\$75 per bundle, or \$170-\$200 per brick) Some tampered evidence envelopes or bags were empty. Others contained all or a portion of the suspected heroin packaged as bags, bundles or bricks, but the heroin originally contained within the bags had been removed and the bags, re-folded and sealed with tape. Numerous "bags" were discovered loose in and around Chief Butler's desk or within the garbage can. All of the tampered evidence was secured and sealed by Sgt. Kimmell and Officer McDanel pending further investigation. Sgt. Kimmell and Officer McDanel next unlocked the evidence room utilizing and removed all known/identified drug evidence. These items, together with the bin containing items discovered in the Chief's office area, were transported and secured by McDanel within Clairton Police Department's evidence room.

On December 11, 2018, Elizabeth Borough Solicitor Krisha A. DiMascio was interviewed and stated that on December 10, 2018,



Docket Number:	Date Filed:	OTN/LiveScan Number		Complaint/Incident Number
		G 826264-5		L-712-2018
Defendant Name	First: TIMOTHY		Middle: L	Last: BUTLER

Sgt. Kimmell contacted her and stated "we have a problem with Chief Butler". DiMascio contacted Elizabeth Mayor Barry Boucher and Council President Paul Shanner, and the three met with Kimmell and Butler at the Borough building. Butler was crying at the time, and apologized, stating that he could not believe this was happening to him. Butler also blamed the doctor, relating "once they got me off the pills I had no choice".

On December 12-13, 2018, your affiant and Detective Tim Cross examined the evidence initially collected by Sgt. Kimmell and others from Chief Butler's office and the Elizabeth Borough evidence room. Recovered from the trash can in Chief Butler's office were approximately 62 bundles and 2700 loose stamp bags. These items were all examined and found to be emptied of contents. The bundles had all been resealed with tape and re-bundled with rubber bands to appear intact. Also within the garbage can were opened evidence envelopes which were labeled to have contained controlled substances.

Recovered from within and around Chief Butler's desk were approximately 535 loose stamp bags. These items were all examined and found to be emptied of contents. There was one small sealed plastic bags containing stamp bags which appeared to still contain suspected controlled substances. This bag was marked with lab number 1805945 and a date of 8/27/18. Additional bags or evidence envelopes were discovered, some of which were also marked with lab number 1805945 and a date of 8/27/18. One such envelope was labeled to have originally contained 30 bricks of heroin. Another envelope was labeled to have contained 3 bricks of heroin. Other Ziploc bags marked with lab number 1805945 were found to contain emptied individual stamp bags. According to the corresponding Allegheny County Division of Forensic Laboratories Lab Case No. 18LAB05945, this original evidence contained both Fentanyl [collective gross weight of 12.251 grams] and Heroin [collective gross weight 9.5 grams].

Another open evidence envelope was labeled to have originally contained "approx. 2531 bags of heroin" but was empty. According to the corresponding Allegheny County Division of Forensic Laboratories Lab Case No. 17LAB05392, this original evidence contained Heroin [collective gross weight 737.1 grams].

Other evidence envelopes labeled to have originally contained heroin and other controlled substances were found to be missing the heroin, yet these other labeled controlled substances, i.e., suspected marijuana, appeared intact.

A review of the controlled substance evidence discovered within the Elizabeth Borough evidence room reflected similar issues. Evidence envelopes or bags which were labeled to have contained (primarily) heroin were opened, opened and resealed or missing.

Among controlled substance evidence missing was an envelope originally labeled to contain 1000 stamp bags of heroin. The corresponding lab number for that evidence was 1510940/1B. Found within that bag were 900 stamp bags, empty of contents. Another tampered envelope was originally labeled to contain 146 bags of heroin, with corresponding lab number 15LAB06851. Found within that envelope were 134 stamp bags, empty of contents. According to the corresponding Allegheny County Division of Forensic Laboratories Lab Case No. 15LAB06851, this original evidence was returned untested after notification by Chief Butler that the case had been adjudicated.

Another tampered envelope was originally labeled to contain 627 bags of heroin, with corresponding lab number 1608280. Found within that envelope were 554 stamp bags, empty of contents. According to the corresponding Allegheny County Division of Forensic Laboratories Lab Case No. 16LAB08280, this original evidence contained Heroin [collective gross weight 29.738 grams].

Multiple other evidence envelopes or bags originally labeled to contain heroin were found to be tampered with, opened and contents removed. Evidence labeled as containing both heroin and other controlled substances most often still contained the other controlled substances, but the heroin was removed from the packaging.

Kimmell also advised that Butler - who as Chief of Police was tasked with collecting and depositing the parking meter money – apparently failed to deposit meter money for the year 2017. According to Kimmell, the annual deposits between 2013 and 2016



Docket Number:	Date Filed:	OTN/LiveScan Number		Complaint/Incident Number
		G 826264-5		L-712-2018
Defendant Name	First: TIMOTHY		Middle: L	Last: BUTLER

were:

2013 - \$5,503.25

2014 - \$4,694.36

2015 - \$5,944.00

2016 - \$4,148.02

2017 - No deposits made by Butler.

2018 - \$2,355.50

Elizabeth Borough Secretary Pam Sharp later confirmed these annual meter deposit amounts were accurate, and had been deposited into the Borough's PNC account. Sharp stated that Chief Butler had been responsible for counting, rolling and depositing the parking meter money, and had used a coin counter located in his office for that purpose. Sharp also advised that the Borough parking meters were in place and functioning during 2017.

The statements contained in this affidavit are based on my experience and background as a police officer and are drawn from statements received from other officers involved in this investigation or witnesses to the above-described activities; these statements were either heard personally by your affiant or were told to other detectives who then relayed that information to me. Based on the information contained herein, your affiant avers that probable cause exists for the following offenses:

Title 18 Section 3921 Theft by Unlawful Taking or Disposition (2 counts);

Title 18 Section 3927 Theft by Failure to Make Required Disposition of Funds

Received (2 counts);

Title 18 Section 5101 Obstructing Administration of Law or Other Government Function (1 count)

Title 18 35 P.S. §780-113(a)(16) CSDDCA - Possession (2 counts)



Docket Number:	Date Filed:	OTN/LiveScan Number		Complaint/Incident Number
		G 826264-5		L-712-2018
Defendant Name	First: TIMOTHY		Middle: L	Last: BUTLER

I, LYLE GRABER , BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.
I CERTIFY THAT THIS FILING COMPLIES WITH THE PROVISIONS OF THE CASE RECORDS PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA THAT REQUIRE FILING CONFIDENTIAL INFORMATION AND DOCUMENTS DIFFERENTLY THAN NON-CONFIDENTIAL INFORMATION AND DOCUMENTS.
(Signature of Affiant)
Sworn to me and subscribed before me this day of December 2018
Date, Magisterial District Judge
My commission expires first Monday of January,
BETH SCAGLINE MILITARY TO SEARCH STRICT OF 22 THE MAGISTERIAL DISTRICT OF 2020 MAGISTERIAL OF THE MAGISTERIAL ON EXPLANABLY, 2020 MAGISTERIAL SOM IN 24 NUMBER, 2020